

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHARLES SCOTT GARNER,

Defendant-Appellant.

UNPUBLISHED

February 3, 2005

No. 251010

Wayne Circuit Court

LC No. 03-005302-01

Before: Zahra, P.J., and Neff and Cooper, JJ.

COOPER, J. (*concurring*).

I concur with the majority that defendant's convictions and sentences should be affirmed. However, I write separately to note my disapproval of the trial court judge repeating the armed robbery instruction as such emphasis was neither required nor requested. Repetitive and lengthy instructions on a charged offense lead to confusion and overemphasizes the charge. *People v Reece*, 9 Mich App 108; 155 NW2d 870 (1967). See also *People v Ames*, 60 Mich App 168, 171-172; 230 NW2d 360 (1975); *People v McGuire*, 39 Mich App 308, 319-320; 197 NW2d 469 (1972). However, in light of the significant evidence against defendant, this error did not likely affect the outcome of defendant's trial.

/s/ Jessica R. Cooper